

REMARKS

Claims 1-20 were pending in the application. Claim 1 is amended to include the limitations of claim 3. Claim 3 is cancelled. Claims 1, 2, and 4-20 are amended to correct typographical errors, remove multiple dependencies, and/or include proper Markush language. Support for the amendments to the claims may be found, for example, in the claims as originally filed.

Claims 1, 2, and 4-20 are now pending in the application.

The abstract is amended to remove reference to "invention." No new matter is added.

The specification is amended to include headings as per U.S. practice. No new matter is added.

Objections to the Claims

Claims 4, 5, 11, 12, and 20 are objected to over a number of formalities. The claims are amended to correct the errors of form. Applicant respectfully requests that the objections to the claims be withdrawn in view of the amendments to the claims.

Claims Rejections 35 U.S.C. 102

Claims 1, 2, 4, 7-14, 17, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dias (US 6,540,791 B1). The Examiner's rejection has been carefully considered.

Claim 1 is amended to include the limitations of claim 3, which is not rejected as being anticipated by Dias. In view of the amendment, Applicant respectfully requests that the rejection of claims 1, 2, 4, 7-14, 17, 18, and 20 under 35 U.S.C. 102(b) be withdrawn.

Claims Rejections 35 U.S.C. 103

Claims 3, 5, 6, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dias (US 6,540,791 B1). The Examiner's rejection has been carefully considered.

Claim 1 is amended to recite the limitations of claim 3, which recites the limitation that the agent is transparent. Applicant argues that Dias does not teach or suggest a transparent agent in gel form for carrying out oxidative treatments.

In blonding agents comprising a hydrogen peroxide-containing formulation, thickened oxidizing emulsions are used. The thickening agent for such emulsions most frequently comprises a long-chain fatty alcohol. Although these white, non-transparent formulations are easily visible on the hair, the ability of the hair dresser to see the condition of the hair through the formulation, once it is applied, is quite limited (see, for example paragraph 3 of the present specification). It is also a drawback of permanent hair deformation emulsions that they are not clear and transparent but white and opaque (paragraphs 5 and 6 of the present specification).

The presently claimed invention is to provide the advantages of an agent for carrying out oxidative treatment that has a gel-like consistency, is transparent, and maintains contact with hair over a 6 month period at a temperature of 40 degrees Celsius (paragraph 8 of the present specification). The advantages of the presently

claimed invention may be achieved by the inclusion of one or more of a specific group of polymer thickeners, as reflected in present claim 1, limitation (c).

Dias does not teach or suggest transparent bleaching compositions. Dias does not teach or suggest, directly or indirectly, that any of the compositions disclosed in the cited document are transparent. While Dias teaches that a bleaching agent may comprise a thickener, the thickening agents taught by Dias are cetyl alcohol, oleyl alcohol, cetearyl alcohol, and stearyl alcohol. All of these agents are long-chain fatty alcohols which, when incorporated into bleaching compositions, form white, non-transparent compositions. Furthermore, all examples of compositions taught by Dias comprise from 3% to 7% cetearyl alcohol so all of the examples in the cited reference are white, non-transparent compositions.


Dias provides no teaching or motivation for replacing the long-chain fatty alcohols of Dias with those recited in present claim 1 or motivation for producing compositions that are transparent. Accordingly, Dias does not teach or suggest the limitations of claim 1, as amended.

In view of the foregoing arguments and the amendment to claim 1, Applicant respectfully requests that the rejections under 35 U.S.C. 103(a) be withdrawn.

Conclusion

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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